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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAHID KHAN,

Plaintiff,

v.

JONATHAN SCHARFEN,
Acting Director, United States Citizenship
and Immigration Services,

Defendant.

No. 08-cv-1398 (SC)

**STIPULATION TO HOLD
MATTERS IN ABEYANCE**

Defendant Jonathan Scharfen and Plaintiff Shahid Khan hereby stipulate to hold matters in abeyance in the above-referenced case for a period of sixty (60) days from the date of issuance of an order granting the stipulated abeyance. Defendant also agrees to respond to Plaintiff's First Amended Complaint for Declaratory Judgment and Injunction at the close of this sixty (60) day period. In further support thereof, the parties say as follows:

1. On September 24, 2001, Plaintiff was granted asylum. On March 3, 2008, he was denied adjustment of status based on inadmissibility as a person who has engaged in terrorist activity under INA § 212(a)(3)(B)(i)(I), 8 U.S.C. § 1182(a)(3)(B)(i)(I).

2. On April 23, 2008, USCIS reopened the matter of Plaintiff's adjustment of status.

1 3. On August 14, 2008, Plaintiff filed his First Amended Complaint for Declaratory
2 Judgment and Injunction, which alleges that the delay in adjudication his adjustment of status
3 application violates 5 U.S.C. § 555(b), 8 U.S.C. § 1159(b), and 8 C.F.R. § 209.2.

4 4. Both parties recognize that the Consolidated Appropriations Act of 2008, Pub. L. No.
5 110-161, Div. J, section 691(a), 121 Stat. 1844 (Dec. 26, 2007), provides expanded discretionary
6 authority for the Secretary of Homeland Security to exempt certain terrorist-related
7 inadmissibility grounds as they relate to undesignated terrorist organizations as defined under the
8 Immigration and Nationality Act (INA) section 212(a)(3)(B)(vi)(III), 8 U.S.C. §
9 1182(a)(3)(B)(vi)(III).

10 5. Defendants are actively pursuing efforts to complete the adjudication of Plaintiff's
11 adjustment of status application within sixty (60) days from the issuance of the abeyance order
12 requested herein.

13 6. In the interest of judicial economy, the potential for adjudication of Plaintiff's
14 adjustment of status application within sixty (60) days from the date of issuance of the abeyance
15 order requested herein merits grant of the abeyance.

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1 WHEREFORE, with good cause having been shown, the parties hereby request that this
2 Court issue an order granting an abeyance of matters in this case for a period of sixty (60) days
3 from the date of issuance of the abeyance order.
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5 Dated: August 19, 2008

Respectfully submitted,

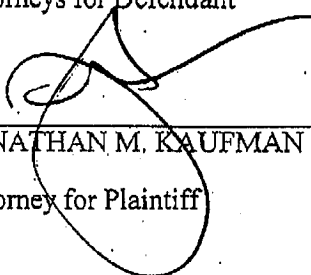
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11 By: 

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16 Attorneys for Defendant

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18 Dated: August 19, 2008


JONATHAN M. KAUFMAN

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20 Attorney for Plaintiff

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22 **ORDER**

23 Pursuant to stipulation, IT IS SO ORDERED.

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25 Dated this 19 day of August, 2008

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28 STIPULATION TO HOLD MATTERS IN ABEYANCE
No. 08-cv-1398 (SC)

